

## ANSWERED "PRESENT"—1

Morse

## NOT VOTING—71

Abbitt  
Addabbo  
Alexander  
Anderson,  
Tenn.  
Aspinall  
Beall, Md.  
Belcher  
Bell, Calif.  
Berry  
Blaggi  
Blanton  
Blatnik  
Bolling  
Brasco  
Button  
Collins, Tex.  
Daddario  
de la Garza  
Dent  
Diggs  
Dowdy  
Dwyer  
Edwards, La.

Farbstein  
Fulton, Tenn.  
Gilbert  
Gray  
Green, Oreg.  
Grover  
Halpern  
Hanna  
Heckler, Mass.  
Helstoski  
Kee  
King  
Lennon  
Lukens  
McKneally  
MacGregor  
Meskill  
Mikva  
Morton  
Mosher  
Moss  
Nichols  
O'Konski  
Pettis

Pickle  
Poage  
Powell  
Preyer, N.C.  
Purcell  
Reifel  
Roe  
Roudebush  
Roussetot  
Sandman  
Stanton  
Stephens  
Stuckey  
Sullivan  
Symington  
Tiernan  
Tunney  
Waggonner  
Waldie  
Watts  
Welcker  
Wiggins  
Wylder

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution as amended was agreed to. The Clerk announced the following pairs:

Mr. Addabbo with Mr. Stanton.  
Mrs. Sullivan with Mrs. Dwyer.  
Mr. Lennon with Mr. Beall of Maryland.  
Mr. Brasco with Mr. Grover.  
Mr. Aspinall with Mr. Button.  
Mr. Dent with Mr. Halpern.  
Mr. Fulton of Tennessee with Mr. Morton.  
Mr. Stephens with Mr. Belcher.  
Mr. Roe with Mr. McKneally.  
Mr. Pickle with Mr. MacGregor.  
Mr. Nichols with Mr. Collins of Texas.  
Mr. Moss with Mr. Bell of California.  
Mr. Waggonner with Mr. Berry.  
Mr. Tiernan with Mrs. Heckler of Massachusetts.  
Mr. Helstoski with Mr. Roudebush.  
Mr. Blaggi with Mr. Wylder.  
Mr. Blatnik with Mr. Sandman.  
Mr. Edwards of Louisiana with Mr. Roussetot.  
Mr. Gray with Mr. Mosher.  
Mr. Blanton with Mr. Meskill.  
Mr. Hanna with Mr. Wiggins.  
Mr. Stuckey with Mr. Reifel.  
Mr. Purcell with Mr. Welcker.  
Mr. Preyer of North Carolina with Mr. Lukens.  
Mr. Mikva with Mr. Dowdy.  
Mr. Kee with Mr. Watts.  
Mr. Waldie with Mr. Pettis.  
Mr. Alexander with Mr. O'Konski.  
Mr. Anderson of Tennessee with Mr. Tunney.  
Mr. Gilbert with Mr. King.  
Mr. Daddario with Mr. Diggs.  
Mrs. Green of Oregon with Mr. Symington.  
Mr. Abbitt with Mr. de la Garza.  
Mr. Farbstein with Mr. Powell.

Mr. WYATT changed his vote from "present" to "yea."

Mr. SCHEUER changed his vote from "yea" to "nay."

The doors were opened.

A motion to reconsider was laid on the table.

## GENERAL LEAVE TO EXTEND

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the pending resolution.

The SPEAKER. Without objection, so ordered.

There was no objection.

## SURVIVOR ANNUITIES UNDER CIVIL SERVICE

Mr. DULSKI. Mr. Speaker, I move to suspend the rules and pass the bill (S. 437) to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes, as amended.

The Clerk read as follows:

S. 437

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332 (f) of title 5, United States Code, is amended by inserting immediately after the first sentence thereof the following new sentence: "An employee or former employee who returns to duty after a period of separation is deemed, for the purpose of this subsection, to have been in a leave of absence without pay for that part of the period in which he was receiving benefits under subchapter I of chapter 81 of this title or any earlier statute on which such subchapter is based."*

Sec. 2. (a) Section 8339 (i) of title 5, United States Code, is amended by striking out "his spouse" and inserting in lieu thereof "any spouse surviving him".

(b) Section 8339 (j) of title 5, United States Code, is amended—

(1) by inserting "(1)" immediately after "(j)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) An employee or Member, who is unmarried at the time of retiring under a provision of law which permits election of a reduced annuity with a survivor annuity payable to his spouse and who later marries, may irrevocably elect, in a signed writing received in the Commission within 1 year after he marries, a reduction in his current annuity as provided in subsection (1) of this section. His reduced annuity is effective the first day of the month after his election is received in the Commission. The election voids prospectively any election previously made under paragraph (1) of this subsection."

Sec. 3. (a) Section 8341 (a) of title 5, United States Code, is amended—

(1) by inserting "and" at the end of paragraph (2) (B);

(2) by striking out paragraph (3); and

(3) by renumbering paragraph (4) as paragraph (3).

(b) Section 8341 (b) of title 5, United States Code, is amended to read as follows:

"(b) (1) Except as provided in paragraph (2) of this subsection, if an employee or Member dies after having retired under this subchapter and is survived by a spouse to whom he was married at the time of retirement, or by a widow or widower whom he married after retirement, the spouse, widow, or widower is entitled to an annuity equal to 55 percent, or 50 percent if retired before October 11, 1962, of an annuity computed under section 8339 (a)-(h) of this title as may apply with respect to the annuitant, or of such portion thereof as may have been designated for this purpose under section 8339 (i) of this title, unless the employee or Member has notified the Commission in writing at the time of retirement that he does not desire any spouse surviving him to receive this annuity.

"(2) If an annuitant—

"(A) who retired before April 1, 1948; or

"(B) who elected a reduced annuity provided in paragraph (2) of section 8339 (j) of this title; dies and is survived by a widow or widower, the widow or widower is entitled to an an-

nuitant in an amount which would have been paid had the annuitant been married to the widow or widower at the time of retirement.

"(3) A spouse acquired after retirement is entitled to a survivor annuity under this subsection only upon electing this annuity instead of any other survivor benefit to which he may be entitled under this subchapter or another retirement system for Government employees. The annuity of the spouse, widow, or widower under this subsection commences on the day after the annuitant dies. This annuity and the right thereto terminate on the last day of the month before the spouse, widow, or widower—

"(A) dies; or

"(B) remarries before becoming 60 years of age."

(c) Section 8341 (d) of title 5, United States Code, is amended to read as follows:

"(d) If an employee or Member dies after completing at least 18 months of civilian service, his widow or widower is entitled to an annuity equal to 55 percent of an annuity computed under section 8339 (a)-(e) and (h) of this title as may apply with respect to the employee or Member, except that, in the computation of the annuity under such section, the annuity of the employee or Member shall be at least the smaller of—

"(1) 40 percent of his average pay; or

"(2) the sum obtained under such section after increasing his service of the type last performed by the period elapsing between the date of death and the date he would have become 60 years of age.

The annuity of the widow or widower commences on the day after the employee or Member dies. This annuity and the right thereto terminate on the last day of the month before the widow or widower—

"(A) dies; or

"(B) remarries before becoming 60 years of age."

(d) Section 8341 (e) (2) of title 5, United States Code, is amended by striking out "subsection (a) (4)" and inserting in lieu thereof "subsection (a) (3)".

Sec. 4. Section 8344 (a) of title 5, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: "If the annuitant is receiving a reduced annuity as provided in section 8339 (i) or section 8339 (j) (2) of this title, the increase in annuity payable under subparagraph (A) of this subsection is reduced by 10 percent and the survivor annuity payable under section 8341 (b) of this title is increased by 55 percent of the increase in annuity payable under such subparagraph (A), unless, at the time of claiming the increase payable under such subparagraph (A), the annuitant notifies the Commission in writing that he does not desire the survivor annuity to be increased. If the annuitant dies while still reemployed, the survivor annuity payable is increased as though the reemployment had otherwise terminated. If the annuitant dies while still reemployed and the described reemployment had continued for at least 5 years, the person entitled to survivor annuity under section 8341 (b) of this title may elect to deposit in the Fund and have his right redetermined under this subchapter."

Sec. 5. (a) The amendment made by the first section of this Act is effective only with respect to annuity accruing for full months beginning after the date of enactment of this Act; but any part of a period of separation referred to in such amendment in which the employee or former employee was receiving benefits under subchapter I of chapter 81 of title 5, United States Code, or any earlier statute on which such subchapter is based shall be counted whether the employee returns to duty before, on, or after such date of enactment. With respect to any person retired before such date of

enactment, any such part of a period of separation shall be counted only upon application of the former employee.

(b) The amendments made by section 2(a) and 3 of this Act shall not apply in the cases of employees, Members, or annuitants who died before the date of enactment of this Act. The rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

(c) The amendments made by section 2(b) of this Act shall apply to an annuitant who was unmarried at the time of retiring, but who later married, only if the election is made within 1 year after the date of enactment of this Act.

(d) The amendment made by section 4 of this Act shall apply only with respect to a reemployed annuitant whose employment terminates on or after the date of enactment of this Act.

Sec. 6. The Act of August 25, 1958 (72 Stat. 838; 3 U.S.C. 102, note), is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) Each former President shall be entitled for the remainder of his life to receive from the United States a monetary allowance at a rate per annum, payable monthly by the Secretary of the Treasury, which is equal to the annual rate of basic pay, as in effect from time to time, of the head of an executive department, as defined in section 101 of title 5, United States Code. However, such allowance shall not be paid for any period during which such former President holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate."

(2) Subsection (e) is amended to read as follows:

"(e) The widow of each former President shall be entitled to receive from the United States a monetary allowance at a rate of \$20,000 per annum, payable monthly by the Secretary of the Treasury, if such widow shall waive the right to each other annuity or pension to which she is entitled under any other Act of Congress. The monetary allowance of such widow—

"(1) commences on the day after the former President dies;

"(2) terminates on the last day of the month before such widow—

"(A) dies; or

"(B) remarries before becoming 60 years of age; and

"(3) is not payable for any period during which such widow holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate."; and

(3) Subsection (f) is amended to read as follows:

"(f) As used in this section, the term 'former President' means a person—

"(1) who shall have held the office of President of the United States of America;

"(2) whose service in such office shall have terminated other than by removal pursuant to section 4 of article II of the Constitution of the United States of America; and

"(3) who does not then currently hold such office."

The SPEAKER pro tempore (Mr. Boggs). Is a second demanded?

Mr. CORBETT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DULSKI. Mr. Speaker, I yield myself 2 minutes.

(Mr. DULSKI asked and was given permission to revise and extend his remarks.)

Mr. DULSKI. Mr. Speaker, I rise in support of S. 437, as amended.

The amendment strikes out all after the enacting clause and substitutes a new text. There is only one substantive difference between the amendment offered and the amendment reported by the committee.

This difference is in the provisions relating to the widows of former Presidents.

The amendment provides that the annual monetary allowance for a widow of a former President be increased from \$10,000 to \$20,000. The committee amendment provides for a monthly pension equal to 55 percent of the monetary allowance for a former President.

The amendment also requires that the widow of a former President waive the right of any annuity or pension to which she may be entitled from the United States in order to receive the monetary allowance. A similar provision is in existing law, but was not included in the committee amendment.

The main purpose of the bill is to correct several inequities in existing law. Presently a retiree who accepts a reduced annuity in order to provide a survivor benefit for his wife, cannot extend that survivor annuity to a subsequent spouse. He is also precluded from having his full annuity restored.

The legislation now before us will permit the post-retirement spouse of such a retiree to qualify for survivor benefits if the spouse was married to the retiree at least 2 years immediately before the retiree's death.

Other major elements of the bill are—

First. It will extend to widowers of deceased female employees the same treatment accorded widows of male employees.

Second. It will provide credit for periods of separation due to injuries incurred while performing official service.

Third. It will allow a retiree, unmarried at the time of retirement, to provide survivor benefits for a subsequently acquired spouse, upon election to accept a reduced annuity.

Fourth. The bill provides for an increase in the annual allowance for former Presidents from \$25,000 to an amount equal to the rate of pay for level I of the Executive schedule, the rate for Cabinet officers (presently \$60,000). The Cabinet officer rate was the basis for setting the \$25,000 allowance in 1958.

I would like to commend the gentleman from New Jersey (Mr. DANIELS) chairman of our Retirement Subcommittee, for the outstanding work he and his colleagues on the subcommittee performed in finalizing this legislation.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey, the chairman of the subcommittee (Mr. DANIELS).

(Mr. DANIELS of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. DANIELS of New Jersey. Mr. Speaker, I rise in support of S. 437, as amended, and for the purpose of explain-

ing the proposed amendments to the bill, most of which are of a technical and perfecting nature.

Mr. Speaker, more Americans are spending more years in retirement periods of uncertain length and indeterminate needs than ever before in history. The economic and social problems growing out of this development require devoting our attention to its impact upon that segment of our retiree population covered by the civil service retirement system.

The hearings conducted by the Subcommittee on Retirement, Insurance, and Health Benefits reveal the need for remedying the inequities these retirees face—particularly, those faced by their widows—and the policies which have perpetuated those inequities. It is the primary objective of this legislation to alleviate the economic uncertainties and difficulties they now face by providing annuity protection to the surviving spouses of certain of these retired Federal employees.

The amendment under consideration incorporates several related proposals: H.R. 3661, introduced by the chairman of the Committee on Post Office and Civil Service, Mr. DULSKI; H.R. 468, introduced and acclaimed over the years by the gentlewoman from Michigan, Mrs. GRIFITHS; H.R. 434, sponsored by our colleague from Oklahoma, Mr. EDMONDSON; and H.R. 11120, authored by the gentleman from Virginia, JOEL BROTHILL. I commend the part that each of these colleagues have played in assisting the committee in bringing to the floor of the House a long-overdue measure of simple equity. I am gratified with the overwhelming support given it by the members of the Retirement Subcommittee and the full committee.

The existing provisions of the civil service retirement law provides that upon an employee's retirement he may accept, in lieu of the maximum benefit to which he is otherwise entitled, a reduced annuity and, thus, provide a survivor annuity to only that spouse to whom married on the date of retirement. Acceptance of the reduced benefit is irrevocable and the reduction in annuity continues, irrespective of whether the designated spouse predeceases the retiree or the marriage is terminated by divorce. The law does not extend the survivor protection thus provided to the spouse of a postretirement remarriage.

The major purpose of this legislation is to amend existing law so as to provide for the automatic substitution of a spouse acquired after retirement as an eligible survivor-annuitant. Such substitution is justified on the premise that the socioeconomic need to provide survivor protection for a spouse acquired subsequent to retirement is no less than the need to protect a previous spouse.

Entitlement to the survivor benefit will automatically be vested in the widow or widower who survives the retiree, if such survivor has been married to the retiree for at least 2 years preceding the retiree's death, or if the survivor is the parent of a child born of the marriage. Thus, the eligibility requirement will be identical to the existing provision of law respect-

ing the surviving spouse of an employee who dies in active employment.

Neither does existing law permit a retiree who is, or was, unmarried at the time of retirement to subsequently elect a reduced annuity upon marriage and, thus, provide a survivor annuity for the spouse acquired after retirement.

The bill recognizes the relative equity of persons in this circumstance by permitting a retiree who is unmarried upon retirement to later elect a reduced annuity in order to provide a benefit for his spouse.

Although present law allows an unmarried retiring employee who is in good health to elect a reduced annuity in order to provide a survivor benefit to a person having an insurable interest, it does not provide him an opportunity to substitute a spouse acquired subsequent to retirement as the survivor-annuitant. Recognizing that such a retiree might likewise desire to protect a spouse acquired after retirement, in lieu of the person named at retirement, the bill allows such a substitution.

Generally, under present law, when an annuitant is reemployed he is considered covered by the retirement system, but no deductions are withheld from his salary. If he completes five or more years of continuous, full-time reemployment service, he may elect to have his annuity recomputed on the basis of his entire service, and elect survivor benefits based on the resulting increased annuity.

On the other hand, he, as well as an annuitant who completes between one and five years of continuous full-time reemployment service, is entitled upon separation to a supplemental annuity based only on the reemployment service. The supplemental annuity, however, does not increase the benefits potentially payable to any survivor. This has been a reasonably satisfactory arrangement for annuitants whose reemployment service is relatively brief, because the resulting supplemental annuities are not large enough to provide a significant increase in a spouse's potential benefit.

It is recognized, nonetheless, that there are instances of an annuitant working for an extended period and earning a supplemental annuity large enough to provide a meaningful increase in the spouse's potential survivor benefit. While not creating a survivor annuity not previously provided upon initial retirement, the bill provides a workable method of allowing use of supplemental annuities to increase benefits to potential survivors. The supplemental annuity would be reduced by 10 percent and the spouse would be entitled to an increased survivor benefit equal to 55 percent of the supplemental benefit. In addition, the bill provides for automatically increasing the survivor rate accordingly in the event the annuitant dies while still reemployed, and for allowing the eligible survivor-annuitant to exercise the option of recomputation where the annuitant dies while still in service after 5 years of reemployment.

Under present law, in order for the husband of a deceased female employee to qualify for a survivor benefit he must—in addition to meeting either the

2-year marriage or parentage requirement—be incapable of self-support by reason of physical or mental disability, and must have received more than one-half of his support from his wife. This provision reflects a difference in treatment which is based solely upon whether the employee is a man or a woman. However, the difference in survivorship protection accorded male and female employees in active service does not exist with respect to the protection available after retirement—there being no duration of marriage, parentage, incapacitation, or dependency requirements to be met on the part of either a widow or widower where the employee, at time of retirement, accepts a reduced annuity to provide a spouse's survivor benefit.

The committee takes cognizance of the fact that the female employee contributes the same percentage rate of deduction as does the male employee, but her nondependent widower has no survivorship entitlement; whereas, a male employee's widow is automatically awarded a survivor benefit, irrespective of the fact that she may be self-sustaining. The legislation corrects this inequitable situation by removing the dependency requirements applicable to surviving widowers of female employees, thus according them the same treatment accorded widows of deceased male employees.

Further, Mr. Speaker, the amended bill proposes to treat an employee who is separated from Federal service while in receipt of compensation benefits for a job-incurred injury or illness as though he had been carried in a leave-without-pay status during such periods for retirement eligibility and computation purposes.

Lastly, the amendment provides for updating the monetary allowances payable to former Presidents of the United States and to their widows. In enacting Public Law 85-745, approved August 25, 1958, the Congress provided a lifetime monetary allowance of \$25,000 per annum for any person who has served as President of the United States, and an annual benefit of \$10,000 for the widow of a former Chief Executive.

While the \$25,000 allowance to a former President was then equated with the salary of a Cabinet member, such allowance has not been updated during the 12 intervening years—whereas, Cabinet officers' salaries have been increased to a present figure of \$60,000. The widow's benefit, likewise, has remained unchanged.

The amendment increases the annual Presidential allowance to a rate comparable to the salary of a Cabinet member—currently \$60,000—and increases the widow's allowance from \$10,000 to \$20,000.

Mr. Speaker, both the subcommittee and the full committee were unanimous in reporting this legislation, and its provisions are fully endorsed by the administration. Therefore, I urge its unanimous adoption.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. DANIELS of New Jersey. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. I would like to com-

mend the gentleman in the well. The bill will correct what is probably one of the most inequitable practices of the pension system and one of the most inequitable things that has ever occurred in employee relationship in the House. It has been grossly unfair that from women the same amount has been collected that has been collected from men, and yet their husbands, their spouses, have not had the same rights. I commend the gentleman, and I assure the women judges, in spite of the fact that they are not included in this bill, that I have introduced a bill that will include their husbands, too. These things are quite unfair. I do thank the gentleman and the full committee for correcting this inequity.

Mr. DANIELS of New Jersey. I also wish to commend the gentlewomen from Michigan for her leadership in connection with this amendment.

Mr. CORBETT. Mr. Speaker, I rise in support of S. 437, which corrects longstanding inequities in the civil service retirement program.

Presently, a Federal employee upon retiring may elect to provide his wife a survivor benefit, for which he must take a reduced annuity of 2½ percent on the first \$3,600 and 10 percent on whatever is remaining of his annual annuity. However, in the event his wife predeceases him, he cannot substitute a subsequent spouse to receive survivor benefits, although his annuity continues to be reduced. The same is true of an unmarried retiree, who elects a reduced annuity in order to provide a survivor benefit to a person with an insurable interest. Namely, he cannot substitute a spouse as survivor annuitant in the event of marriage subsequent to retirement. Also, a retiree who was unmarried at the time of retirement may not subsequently elect a reduced annuity, and, thus provide a survivor annuity for a spouse acquired after retirement.

This bill ends the above named inequities in the following manner:

First. Provides for automatic substitution of a subsequently acquired spouse, effective when the remarriage has lasted 2 years or upon the birth of a child of such marriage.

Second. Permits a retiree who was unmarried at retirement to elect, within 1 year after remarriage, a reduced annuity in order to provide a survivor annuity to a spouse to whom married for at least 2 years or who is the parent of a child born of such marriage.

Third. Allows an unmarried retiree who provided for a person with an insurable interest, to change his election, within 1 year after marriage, to provide survivor benefits to a spouse whom he has been married to for at least 2 years or is a parent of a child born of the marriage.

Mr. Speaker, from a purely humane and social point of view, it is imperative that we act quickly to remedy this most unfair situation.

(Mr. CORBETT asked and was given permission to revise and extend his remarks.)

Mr. HOGAN. Mr. Speaker, will the gentleman yield?

H11188

## CONGRESSIONAL RECORD — HOUSE

December 7, 1970

Mr. CORBETT. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Speaker, I rise in support of S. 437, a bill designed to end the gross inequities existing under the survivor benefits provisions of the civil service retirement program.

Today, too many civil service annuitants who elected a reduced annuity, upon retirement, to provide a survivor benefit to their spouse, now find that even though their spouse has died they cannot redesignate a later spouse to receive survivor benefits. Nevertheless, their annuity will always continue to be reduced. This does not seem to be fair. In other words, it is the same as denying one the right to redesignate beneficiaries to one's will or insurance policies.

There are other inequities this bill eliminates, and they have been thoroughly explained by the able and distinguished chairman of our Subcommittee on Retirement, Insurance, and Health Benefits, Mr. DANIELS.

It is also worth noting that on November 24, 1970, the House passed H.R. 4183, a bill to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after retirement may qualify for survivor benefits, and sent it to the President for his signature.

Mr. Speaker, I do not wish to belabor a rather obvious point. That is, the passage of this legislation is important to many present and future annuitants, who through no fault of their own, are deprived of the honorable responsibility of providing survivor benefits for their spouse, even though they are paying for it.

I urge my colleagues to approve this legislation.

(Mr. HOGAN asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I assume that the amendment offered by the gentleman from New York is embodied in the 4 or 5 pages of typewritten copy which I hold in my hand?

Mr. DULSKI. That is correct.

Mr. GROSS. I will say to the gentleman that this amendment, in my opinion, vastly improves the bill. I still have some question about it, but reluctantly I will support the legislation with the amendment, and I commend the gentleman for offering it.

Mr. DULSKI. I thank the gentleman.

Mr. Speaker, I have no more requests for time.

Mr. CORBETT. Mr. Speaker. I yield to the gentleman from Virginia (Mr. SCOTT) whatever time he may consume.

Mr. SCOTT. Mr. Speaker, I appreciate the gentleman yielding and rise in support of the bill.

We did hold hearings on this measure and to the best of my knowledge, all the witnesses who appeared before our subcommittee supported the bill before

us. I offered an amendment, that the committee did not see fit to adopt, which would have required that the second spouse to be at least 50 years of age at the time the retiree qualified for an annuity. Nevertheless, I think this is a good bill. It has been long desired by both Government employees and retirees and I urge its passage by the House.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of that portion of S. 437 that relate to survivor annuities.

For many years I have urged the Congress to adopt legislation to liberalize the current civil service retirement law with respect to survivor annuities.

This bill would permit the retired Federal employee to designate a new spouse as survivor if he is predeceased by the person named as survivor at the time he retired. Moreover, this bill also provides for the reemployed annuitant that had previously been mandatorily retired because he is over the age of 70 years and is subsequently called back to Federal service at the interest of the Government. The effect of this later case is to permit him to accumulate additional service toward his eventual retirement annuity and to be able to pass on to his survivor the increased annuity he would gain by his further employment.

At retirement a civil service retiree is at the low ebb of his income. At this point it is very difficult for him to make the decision which could result in a substantial reduction in his annuity. He has a tendency at this point to gamble on whether he will outlive his spouse or not. If the retiree fails in that gamble and the surviving spouse outlives the annuitant the country or the community has the problem of providing for the surviving spouse. On the other hand, if the annuitant outlives the spouse, he must continue to live at a reduced annuity. For the annuitant, it is a sort of Russian roulette game. We must, if we can, remove this provision from the retirement law that requires him to gamble and give him a more equitable basis to plan for the protection of his survivor. I hope this will be done in the near future.

As my colleagues know my district encompasses one of the largest centers for retired Federal employees in our Nation. One of the most frequent requests I have from these fine people concerns that portion of this bill which would permit an annuitant to designate a second spouse as his survivor. In this case the Congress has to accept the fact of life that an annuitant may remarry and that he has a legal and a moral right to provide for this new spouse which might result from a subsequent marriage. This bill will correct this antiquated policy.

In the latter case, which I mentioned earlier, the law never contemplated the problem of additional benefits for a retired person being recalled to Federal service after the mandatory retirement age. Such cases exist and the omission to provide for such a situation should be corrected. Granted this situation is rare, but when such cases occur to recall a retiree in his senior years, it is because the Government needs his service and it is always a matter of the highest na-

tional interest to utilize a rare talent. The Government in this instance should have no qualms to permit the increased annuity benefit which such employees might earn.

Last, I have examined this bill and I find that adequate provisions have been taken to assure the actuarial soundness of these measures. For these reasons I urge the passage of the bill.

Mr. SCHMITZ. Mr. Speaker, I want to be on record in opposition to S. 437, which would more than double the present "monetary allowance" for ex-Presidents. In view of the sky-high and still rising cost of Government today, the heavy tax burden and the enormous deficit, I have made it an invariable rule never to vote for Government pay increases which exceed the rise in the cost of living. This applies to ex-Presidents just as to anyone else.

Mrs. MINK. Mr. Speaker, I rise in support of S. 437, legislation relating to survivor annuities under the civil service retirement program.

I would like to draw particular attention to the provision of this bill which will eliminate a discriminatory policy affording lesser recognition to the contributions of women to the retirement fund.

Under existing law a widower of a Federal employee does not receive survivor benefits based on his wife's earnings unless he was dependent on her for more than half his earnings and incapable of self-support. No such requirement is imposed on widows of Federal Government employees.

It is not generally realized, but in practice this requirement means that a woman must earn three times as much as her husband in order for him to be "dependent" on her. Further, her husband must be physically or mentally disabled to the extent that he could not support himself in any case. The obvious purpose of such requirements, imposed on the earnings of women but not on those of men, is to insure that a man's earnings receive paramount recognition while those of a woman are deemed meaningless and unimportant to the family.

At a time when nearly half of women of employable age are in fact working, either from choice or necessity, the basis on which this policy was founded has long been outdated. The policy remains as an obsolete reminder of bygone times when a woman's place was solely "in the home," but its continued existence is far more than a dusty anachronism. As a law in force it represents an enormous inequitable burden on women who in many cases are the principal breadwinners of their family. In any case, it is grossly unfair to give lesser meaning to the contribution of women to family security while at the same time extracting just as much in civil service retirement taxes from women's earnings as from those of men.

The bill removes the dependency requirements applicable to surviving widowers of female employees, thus according them the same treatment given widows of deceased male employees.

This long-needed improvement will help remove sex discrimination from the

December 7, 1970

## CONGRESSIONAL RECORD — HOUSE

H 11189

Federal Government retirement system. I have long supported this change to bestow equal rights on women under the system.

While in this light the change is designed to give equal rights to women, in actuality men stand the most to gain. It is the widower and indirectly other surviving members of the family who will benefit by having survivor funds resulting from the deceased wife's years of earnings.

This is a good example of how providing equal rights for women benefits all. Accordingly I highly recommend approval of this legislation by my colleagues.

Mr. PEPPER. Mr. Speaker, I rise to indicate my strong support for the changes in survivors annuities proposed in the amendments to S. 437. I have been concerned for a long time with the inequities which this legislation is designed to correct.

In my bills, H.R. 7496, H.R. 12202, and H.R. 12612, introduced in the early part of this 91st Congress, I sought to provide on a more equitable basis survivor annuities for the second wives of annuitants and for the surviving husbands of women who have established civil service rights comparable to those accorded to male employees of the Federal Government.

I am very pleased, therefore, that this legislation recognizes that justice to the men and women who have served their National Government requires that the retirement system be made responsive to their needs. It is a fact of life that many retiring employees have elected to accept reduced benefits in order to provide annuities for their widows and have then found themselves widowers whose remarriages did not provide benefits for their second wives. This legislation corrects this situation by providing that annuities can be paid to second wives and by providing that retired civil servants who marry after retirement can elect to provide annuities for their widows.

This legislation also eliminates the discrimination against female civil servants who previously could not provide annuities for their surviving husbands unless the widowers were financially dependent upon their wives. This dependency requirement is not applied to the spouses of male civil servants and equity demands that it not be applied to female employees of the Government.

I regret that this legislation does not provide, as I proposed in my bill, H.R. 6528, minimum benefits for civil service annuitants of \$200 per couple and \$100 per person. But it is important that the inequities dealt with in this legislation be eliminated. And I commend the Committee on the Post Office and Civil Service for its favorable report on this legislation. I hope that the other body will concur in the House amendments so that this legislation will become law before we adjourn the 91st Congress.

Mr. CORBETT. Mr. Speaker, we have no further requests for time.

Mr. DULSKI. Mr. Speaker, we have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman

from New York (Mr. DULSKI) that the House suspend the rules and pass the bill S. 437, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE TO EXTEND

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill (S. 437) just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## RIVERS AND HARBORS AND FLOOD CONTROL ACT OF 1970

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19877) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, as amended.

The Clerk read as follows:

H.R. 19877

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## TITLE I—RIVERS AND HARBORS

Sec. 101. The following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports herein-after designated. The provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public Law Numbered 14, Seventy-ninth Congress), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full.

## NAVIGATION

Pleasant Bay, Massachusetts: House Document Numbered —, at an estimated cost of \$10,221,000;

Baltimore Harbor, Maryland and Virginia: House Document Numbered —, except that not to exceed \$40,000,000 is authorized for initiation and partial accomplishment of such project;

Atlantic Intracoastal Waterway Bridges, Virginia and North Carolina: House Document Numbered —, at an estimated cost of \$11,220,000;

Manteo (Shallowbag) Bay, North Carolina: House Document Numbered 91-303, at an estimated cost of \$10,769,000;

Port Sutton, Tampa Harbor, Florida: House Document Numbered 91-150 maintenance;

Tampa Harbor, Florida: House Document Numbered 91-401, except that not to exceed \$40,000,000 is authorized for initiation and partial accomplishment of such project; after the date of enactment of this Act the Secretary of the Army, acting through the Chief of Engineers, shall maintain the Port Sutton Terminal Channel and the East Bay Channel and Turning Basin.

Freeport Harbor, Texas: House Document

Numbered —, at an estimated cost of \$13,710,000;

Quachita and Black Rivers, Arkansas and Louisiana: House Document Numbered —, at an estimated cost of \$13,500,000;

Missouri River, North Dakota, South Dakota, and Nebraska: House Document Numbered —, at an estimated cost of \$35,981,000;

Coos Bay, Oregon: House Document numbered 91-151, at an estimated cost of \$9,100,000.

## BEACH EROSION

Lido Key, Florida: House Document Numbered 91-320, at an estimated cost of \$240,000; the Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse or credit local interests for work performed by them subsequent to July 1, 1968, and in accordance with the recommended plan of improvement.

Sec. 102. The Secretary of the Army acting through the Chief of Engineers, is authorized and directed to make a survey subject to all applicable provisions of section 110 of the Rivers and Harbors Act of 1950 of the feasibility of constructing and maintaining a navigation channel having a depth of seventeen feet at mean low water and a width of one hundred feet, extending a distance of approximately two and one-half miles from deep water in Saint Georges Creek, Maryland, to the Harry Lundeberg School of Seamanship at Piney Point, Maryland, and terminating in a turning basin at that bottom.

Sec. 103. The costs of operation and maintenance of the general navigation features of small boat harbor projects authorized between January 1, 1970, and December 31, 1970, under the authority of this Act, section 201 of the Flood Control Act of 1965, or section 107 of the River and Harbor Act of 1960, shall be borne by the United States.

Sec. 104. The proviso in section 6 of the Act of July 3, 1930, as amended (48 Stat. 948; 33 U.S.C. 569a), is amended to read as follows: "Provided, That individuals so engaged may be paid at rates not to exceed the daily equivalent of the rate of GS-18 for each day of their services."

Sec. 105. The civilian members of the Board on Coastal Engineering Research authorized by the Act of November 7, 1963 (33 U.S.C. 426-2) may be paid at rates not to exceed the daily equivalent of the rate for GS-18 for each day of attendance at Board meetings, not to exceed thirty days per year, in addition to the traveling and other necessary expenses connected with their duties on the Board in accordance with the provisions of 5 U.S.C. 5703 (b), (d), and 5707.

Sec. 106. The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Harbors and rivers in American Samoa and the territory of Guam, in the interests of navigation, flood control, and related water resources purposes.

Kanawha and James Rivers, with a view to determining the availability of providing a waterway connecting the Kanawha River, West Virginia, and James River, Virginia, by canals and appurtenant facilities.

Ventura Marina to Ventura Keys, Ventura County California.

Elk River, Maryland.

Stillpond Creek, Kent County, Maryland.

Patapsco River, Brooklyn, Maryland

Shooters Island, New York, possible removal and utilization for fill and widening of Arthur Kill.

Sec. 107. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to conduct a survey of the Great Lakes and Saint Lawrence Seaway to determine the feasibility of means of extending the navigation season in accordance with the



H 11190

## CONGRESSIONAL RECORD — HOUSE

December 7, 1970

recommendations of the Chief of Engineers in his report entitled "Great Lakes and Saint Lawrence Seaway—Navigation Season Extension."

(b) The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Departments of Transportation, Interior, and Commerce, including specifically the Coast Guard, the Saint Lawrence Seaway Development Corporation, and the Maritime Administration; the Environmental Protection Agency; other interested Federal agencies, and non-Federal public and private interests, is authorized and directed to undertake a program to demonstrate the practicability of extending the navigation season on the Great Lakes and Saint Lawrence Seaway. Such program shall include, but not be limited to, ship voyages extending beyond the normal navigation season; observation and surveillance of ice conditions and ice forces; environmental and ecological investigations; collection of technical data related to improved vessel design; ice control facilities, and aids to navigation; physical model studies; and coordination of the collection and dissemination of information to shippers on weather and ice conditions. The Secretary of the Army, acting through the Chief of Engineers, shall submit a report describing the results of the program to the Congress not later than July 30, 1974. There is authorized to be appropriated to the Secretary of the Army not to exceed \$6,500,000 to carry out this subsection.

(c) The Secretary of Commerce, acting through the Maritime Administration, in consultation with other interested Federal agencies, representatives of the merchant marine, insurance companies, industry, and other interested organizations, shall conduct a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and the Saint Lawrence Seaway beyond the present navigation season, and shall submit a report, together with any legislative recommendations, to Congress by June 30, 1971.

Sec. 108. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, study, and undertake measures in the interests of water quality, environmental quality, recreation, fish and wildlife, and flood control, for the Cuyahoga River Basin, Ohio. Such measures shall include, but not be limited to, clearing, snagging, and removal of debris from the river's bed and banks; dredging and structural works to improve streamflow and water quality; and bank stabilization by vegetation and other means. In carrying out such studies and investigations the Secretary of the Army, acting through the Chief of Engineers, shall cooperate with interested Federal and State agencies.

(b) Prior to initiation of measures authorized by this section, such non-Federal public interests as the Secretary of the Army, acting through the Chief of Engineers, may require shall agree to such conditions of cooperation as the Secretary of the Army, acting through the Chief of Engineers, determines appropriate, except that such conditions shall be similar to those required for similar project purposes in other Federal water resources projects.

Sec. 109. (f) Section 110 of the River and Harbor Act of 1968 (72 Stat. 297) is amended to read as follows:

"(f) There is hereby authorized to be appropriated the sum of \$2,000,000 to carry out the provisions of this section and, upon completion of transfer to the State of Illinois of all right, title, and interest of the United States in and to the canal, an additional sum of \$6,528,000 to be expended for the repair, modification, and maintenance of bridges, title transfer, modification or rehabilitation of hydraulic structures, fencing, clearing auxiliary ditches, and for

the repair and modification of other canal property appurtenances, notwithstanding subsection (b) of this section."

Sec. 110. The project for the Trinity River and tributaries, Texas, authorized in section 301 of the River and Harbor Act of 1965 (79 Stat. 1073) is hereby modified to provide that not to exceed \$75,000 of the costs incurred in 1968 and 1969 by the Trinity River Authority of Texas for aerial photography and mosaic preparation furnished to and accepted by the Secretary of the Army, acting through the Chief of Engineers, shall be credited as a part of the local contribution required of such authority for such project.

Sec. 111. (a) In any case where the Administrator of the Environmental Protection Agency determines that dredged spoil from an area within an authorized Federal navigation project is significantly polluted and the Secretary of the Army thereafter determines that dredged spoil disposal facilities are available for the disposition of such spoil, then open water disposal of such dredged spoil shall be discontinued. The Administrator of the Environmental Protection Agency and the Secretary of the Army shall not make any determination under this section except after consultation with the Governors of all affected States.

(b) The Secretary of the Army, acting through the Chief of Engineers, shall undertake to establish the contained spoil disposal facilities authorized in subsection (c) at the earliest practicable date, taking into consideration the views and recommendations of the Administrator of the Environmental Protection Agency as to those areas which, in the Administrator's judgment, are most urgently in need of such facilities.

(c) The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct, operate, and maintain, subject to the provisions of subsection (d), contained spoil disposal facilities of sufficient capacity to meet the requirements of this section for a period not to exceed ten years. Before establishing each such facility, the Secretary of the Army shall obtain the concurrence of appropriate local governments and shall consider the views and recommendations of the Administrator of the Environmental Protection Agency and other appropriate heads of Federal agencies with respect to the effect of the proposed facility on the quality of the water and land resources involved, and on the environment. Section 9 of the River and Harbor Act of 1899 shall not apply to any facility authorized by this section.

(d) Prior to construction of any such facility, the appropriate non-Federal interest or interests shall agree in writing to (1) furnish all lands, easements, and rights-of-way necessary for the construction, operation, and maintenance of the facility; (2) contribute to the United States 25 per centum of the construction costs, such amount to be payable either in cash prior to construction, in installments during construction, or in installments, with interest at a rate to be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue; (3) hold and save the United States free from damages due to construction, operation, and maintenance of the facility; and (4) except as provided in subsection (g), maintain the facility after completion of its use for disposal purposes in a manner satisfactory to the Secretary of the Army.

(e) The requirement for appropriate non-Federal interest or interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (d) shall be waived by the Secretary

of the Army upon a finding by the Administrator of the Environmental Protection Agency that the State or States involved, interstate agency, municipality, or other appropriate political subdivision of the State or industrial concern is participating in an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and is making progress satisfactory to the Administrator.

(f) Notwithstanding any other provision of law, all costs of disposal or dredged spoil from the project for the Great Lakes connecting channels, Michigan, shall be borne by the United States.

(g) The participating non-Federal interest or interests shall retain title to all lands, easements, and rights-of-way furnished by it pursuant to subsection (d). A spoil disposal facility owned by a non-Federal interest or interests may be conveyed to another party only after completion of the facility's use for disposal purposes and after the transferee agrees in writing to use or maintain the facility in a manner which the Secretary of the Army determines to be satisfactory.

(h) Any spoil disposal facilities constructed under the provisions of this section shall be made available to Federal licensees or permittees upon payment of an appropriate charge for such use. Twenty-five per centum of such charge shall be remitted to the participating non-Federal interest or interests except for those excused from contributing to the construction costs under subsections (e) and (f).

(i) This section, other than subsection (j), shall be applicable only to the Great Lakes and their connecting channels.

(j) The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to extend to all navigable waters, connecting channels, tributary waters, connecting channels, tributary streams, other waters of the United States, and water contiguous to the United States, a comprehensive program of research, study, and experimentation relating to dredged spoil. This program shall be carried out in cooperation with other Federal and State agencies, and shall include, but not be limited to, investigations on the characteristics of dredged spoil, alternative methods of its disposal, and its effects on receiving waters.

Sec. 112. In all cases where real property shall be taken by the United States for the public use in connection with any improvement of rivers, harbors, canals, or waterways of the United States, and in all condemnation proceedings by the United States to acquire lands or easements for such improvements, the compensation to be paid for real property taken by the United States above the normal high water mark of navigable waters of the United States shall be the fair market value of such real property based upon all uses to which such real property may reasonably be put, including its highest and best use, any of which uses may be dependent upon access to or utilization of such navigable waters. In cases of partial takings of real property, no depreciation in the value of any remaining real property shall be recognized and no compensation shall be paid for any damages to such remaining real property which result from loss of or reduction of access from such remaining real property to such navigable waters because of the taking of real property or the purposes for which such real property is taken. The compensation defined herein shall apply to all acquisitions of real property after the date of enactment of this Act, and to the determination of just compensation in any condemnation suit pending on the date of enactment hereof.

Sec. 113. (a) Subsection (a) of section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended by striking out

Approved For Release 2001/11/01 : CIA-RDP74B00415R000600020020-8  
December 31, 1970

CONGRESSIONAL RECORD — SENATE

CT 11 00  
Second Spouse  
S 21609

PUBLICATION ENTITLED "STATISTICS OF INTERSTATE NATURAL GAS PIPELINE COMPANIES, 1969"

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "Statistics of Interstate Natural Gas Pipeline Companies, 1969" (with an accompanying document); to the Committee on Commerce.

REPORT OF FINANCIAL ADVISORY PANEL OF THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Executive Secretary to the Panel, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, a report of the Financial Advisory Panel of the National Railroad Passenger Corporation (with an accompanying report); to the Committee on Commerce.

REPORT OF THE SECRETARY OF THE TREASURY ON THE STATE OF THE FINANCES

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the State of the Finances, for the fiscal year 1970 (with an accompanying report); to the Committee on Finance.

REPORT OF GENERAL SERVICES ADMINISTRATION

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a report of that Administration, for the year 1970 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Economies Available by Reducing Preventive Maintenance Requirements for Certain Mechanized Mail-Handling Equipment, Post Office Department, dated December 31, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Improvements Needed in Processing Medicare Claims for Physicians' Services in Texas, Social Security Administration, Department of Health, Education, and Welfare, dated December 31, 1970 (with an accompanying report); to the Committee on Government Operations.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. NELSON, from the Committee on Labor and Public Welfare:

Carol M. Khosrovi, of Virginia, to be an Assistant Director of the Office of Economic Opportunity; and

John Oliver Wilson, of Connecticut, to be an Assistant Director of the Office of Economic Opportunity.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOODELL:

S. 4608. A bill for the relief of Sandra S. Cohen; to the Committee on the Judiciary. (The remarks of Mr. GOODELL when he introduced the bill appear below under the appropriate heading.)

By Mr. MATHIAS:

S. 4609. A bill for the relief of Kenneth Adam Andoll; to the Committee on the Judiciary.

By Mr. BELLMON:

S. 4610. A bill authorizing grants to be made to certain States and Federal institu-

tions to assist such States and institutions in improving their penal and correctional programs; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 4611. A bill for the relief of Donald McIntire; to the Committee on the Judiciary.

By Mr. GOODELL:

S. 4612. A bill to establish a process for the mandatory publication of survey procedure employed in concluding upon published candidate-preference public opinion poll results; to the Committee on the Judiciary and Labor and Public Welfare, jointly, by unanimous consent.

(The remarks of Mr. GOODELL when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. COOPER:

S. 4613. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture and Forestry.

(The remarks of Mr. COOPER when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 4608—INTRODUCTION OF A PRIVATE BILL FOR THE RELIEF OF SANDRA S. COHEN

Mr. GOODELL. Mr. President, I am today introducing a private bill for the relief of Sandra S. Cohen, whose plight arises out of a shortcoming in the civil service retirement law.

Sandra S. Cohen was married on August 31, 1967, to a career employee of the U.S. Post Office Department, who had two children by his previous marriage. Approximately a year and a half after their marriage her husband died quite suddenly and unexpectedly of a heart attack, leaving Sandra Cohen with two stepchildren to care for.

In due course, Mrs. Cohen applied for the survivor's annuity to which she thought she was entitled under the civil service retirement law, title V, U.S.C. Her application for aid was denied on April 21, 1969, on the grounds that section 8341(a), title V, U.S.C., excludes from the definition of "widow" one who was not married to the covered employee for at least 2 years immediately preceding his death or has not had children by that marriage.

Denial of her application leaves the family in a precarious position financially. Sandra Cohen's only income is the \$85 per week she earns as a part-time bookkeeper. She cannot work full time until her step-daughter is older. The only other income which the family receives is the civil service annuity awarded to the children as a result of their father's death—(\$60 each)—and the benefits derived from the children's own mother's social security coverage—\$127 per month.

Upon review of the legislative history regarding section 8341(a), it appears that the intent in narrowing this provision to exclude cases like Mrs. Cohen's was to prevent ailing civil servants from marrying on their death beds for the purpose of providing pensions to avaricious females. Mrs. Cohen does not appear to fall within this category. Rather, she is a woman who is sacrificing to care for children who are not her own.

There seems to be a discrepancy within the civil service retirement law it-

self. Under paragraph (b) of section 8341, a survivor's annuity will be paid to the woman who survives a covered employee, no matter how brief the period of marriage, if his retirement occurred between the date of marriage and the date of his death. In a case of this kind, she is referred to as a "surviving spouse" rather than a "widow". This provision contrasts sharply with section 8341(a) under which benefits were denied to Mrs. Cohen.

The effect of sections 8341(a) and 8341(b) are notably different, with retirement itself the determining factor in awarding benefits. I would recommend that the Congress seriously review this matter to ascertain whether some change in the law is appropriate at this time.

It does not appear that amending the present law to cover cases similar to Mrs. Cohen's would result in great cost to the Federal Government. In a letter to me dated June 17, 1970, Andrew E. Ruddock, Director of the Bureau of Retirement, Insurance, and Occupational Health of the Civil Service Commission, stated that while statistics are not maintained on the number of survivor annuity applicants who are adversely affected by section 8341 of title V, United States Code, it is believed that this class is comparatively small in number.

The nature of Mrs. Cohen's particular problem is such that I would hope relief could be granted to her as soon as possible. Because the results of a congressional review of the existing law—if it is undertaken—and resulting congressional action will take considerable time, Mrs. Cohen will be left in a terribly difficult situation. Her plight will only be worsened with even further delay, and I would, therefore, urge prompt action on this bill.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 4608) for the relief of Sandra S. Cohen, introduced by Mr. GOODELL, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 4613—INTRODUCTION OF A BILL TO AMEND THE TOBACCO MARKETING QUOTA PROVISIONS OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. COOPER. Mr. President, my State of Kentucky produces most—some three-fourths—of the burley tobacco, which is second only to Flue-cured or "bright-leaf" tobacco in volume, in its importance to the agricultural economy—about \$400 million for the 1970 crop—and in its contribution to the cash income of thousands of farm families. Burley tobacco is grown on 282,000 farm allotments, most of them family farm operations. Production was restricted to 231,000 acres in 1970, which means that the average allotment is less than 1 acre, on which a typical farmer might produce over a ton of tobacco selling this year for a little over 70 cents a pound.

During my service in the Senate, I have each year followed the progress of the tobacco price support and production con-

S 21610

## CONGRESSIONAL RECORD — SENATE

December 31, 1970

tol program, which is so important to farmers in Kentucky and other States. In fact, it was my amendment, with Senator Barkley in 1947, which secured 90 percent price support for tobacco as a permanent provision of law, and with Senator JORDAN of North Carolina in 1960 I sponsored the amendment which further stabilized the guarantee of 90 percent price support for tobacco.

Over the years the burley tobacco program has worked well, and every 3 years farmers have expressed their approval by voting in referendum by overwhelming majorities of 97 or 98 percent to continue the program. It has operated generally without large losses to the Government or heavy subsidy by the taxpayers—which have been characteristic of many other farm commodity programs—because tobacco growers have been willing to abide by the production controls necessary to keep their program sound.

I must say, however, that the burley tobacco program is now in difficulty, and I believe modifications must be made to continue to keep the program sound, and to avoid the loss of public support which would result if large Government loan stocks are allowed to build up. This could happen because burley yields per acre have increased about one hundred pounds per acre annually in recent years, reaching 2,585 pounds in 1970, and there is no sign they would not continue to do so under the present acreage control program. At the same time, the domestic use of burley tobacco has declined for the second consecutive year, and with continued use of filter cigarettes and changing manufacturing techniques, this trend also may continue.

In 1965, a modified system of production control known as acreage-poundage was adopted for flue-cured tobacco, but was not adopted for burley tobacco by the required two-thirds vote of growers in all States, in the special referendum held in 1966 and 1967. Further, the cuts in acreage allotments ordered for burley tobacco in 1964, 1965, and 1966, and again in 1970, have resulted in a greater proportion of farm allotments at or below the one-half acre minimum—which under present law is protected from cuts. Less than half the burley farm allotments—in fact, only 40 percent—are now subject to the acreage reductions which until now have been the method of keeping supplies in line with demand.

Now we are informed that under existing law, a cut in 1971 crop acreage allotments of at least 25 percent, and theoretically as much as 40 percent, will be required to bring supplies into line with use. Such a cut would work an extreme hardship on tens of thousands of farms which depend on burley tobacco for a large part of their livelihood. Even so, it would not solve the problem which confronts us, for it would simply drive more allotments into the protected half-acre category, and make production control through acreage adjustments increasingly ineffective and impractical for future years.

Those of us familiar with this problem—in the Congress, in the Department of Agriculture, and among the leadership of farm and grower groups in Kentucky

and other burley-producing States—have recognized for some time that the situation was becoming critical, and efforts have been made over the last year to develop a solution. It was, for this reason that representatives of Kentucky farm organizations and burley tobacco groups, together with representatives of the Department of Agriculture, presented their recommendations at a hearing held by the Senate Committee on Agriculture on December 8, which was chaired by Senator JORDAN of North Carolina. I think the facts brought out at that hearing show clearly that if the price support program for burley tobacco is to be saved, the production control mechanism, upon which that price support depends, must be modified.

This ought to be done before the Secretary of Agriculture proclaims the national marketing quota for the 1971 crop of burley tobacco. That would ordinarily be done by February 1, but will now be postponed for 30 days by the resolution which I introduced following the Senate hearing—a resolution cosponsored by Senators COOK, BAKER, JORDAN of North Carolina, ERVIN, BYRD of Virginia, and SPONG, and identical to the resolution introduced by Congressman WAMPLER of Virginia—which has been passed by the Senate and the House of Representatives. Within 30 days following the proclamation, the regular referendum will be held, to determine whether burley growers will have a price support and production control program for the next 3 years, or no program, no price support, and unlimited production.

It is already late, and there will not be a great deal of time for the Committees on Agriculture of the Senate and the House of Representatives to hold hearings and act to revise the burley tobacco program for the 1971 crop. The changes which need to be made must be discussed by burley farmers and their organizations, and by all concerned segments of the tobacco industry. It is for this reason that I am introducing today a bill proposing modifications in the system of production control for burley tobacco—changes which I consider could keep the burley price support program on a sound basis by avoiding increased Government stocks, and by removing the present incentive for each farmer to increase production on his limited and often repeatedly reduced acreage.

I do not take the position that this proposal is the final one that I may offer, or farmers may support, but I consider it a necessary start. I emphasize that I am introducing the bill at this time in order to make it available to those who are interested in the future of the burley tobacco program, and so that this proposal and any others which may be suggested may be discussed and considered before the Congress returns in late January. When the Congress returns, I would propose to reintroduce the bill, or a similar bill, and at that time it may be that other Members of Congress from States producing burley tobacco may wish to join me in doing so, or present recommendations of their own.

While the general plan of this bill evolved from meetings during 1970 of

farmers and grower groups, together with representatives of cooperative, warehouse, and dealer organizations in Kentucky and in other States as well, its specific provisions are not identical to the recommendations, for example, of the Kentucky Farm Bureau Federation, the Tennessee Farm Bureau Federation, the Department of Agriculture, or any other that I have seen. I have tried to settle on a plan which will be fair to all, and which will fulfill the essential requirement of limiting production to the amount of burley tobacco which will actually be used.

Primarily, the bill would shift production controls for burley tobacco from a limitation on acreage planted and harvested—the familiar farm acreage allotments—to a limitation on the number of pounds of burley tobacco which may be marketed and sold from any farm—a farm poundage quota. As I have pointed out earlier, acreage controls can no longer continue to work if yields per acre keep increasing—through the application of fertilizer, irrigation, new varieties and other intensive cultural practices—if domestic use of burley continues to remain stable or decline somewhat, and particularly if the reductions in acreage which have always been used to control production can only be applied to fewer and fewer farms. The poundage quota system of production control proposed by the bill would, however, be much less complicated than the acreage-poundage system formerly proposed, and I believe will be easier for farmers to understand and work with.

If we can bring burley production under control in this way, only a modest reduction—certainly far less than 25 percent—would be required for the 1971 crop. In subsequent years, I believe effective production control would be assured without drastic cuts or without any cuts, while permitting an orderly reduction over a period of years of Government stocks.

I know that farmers in Kentucky and other States will want to know how their farm poundage quotas would be calculated under this proposal. I will outline the main provisions of the bill:

First. The poundage system for burley tobacco would not be proclaimed, and growers would vote in March instead on the usual acreage program, unless an acreage cut of more than 15 percent is required for the 1971 crop, and unless the Secretary of Agriculture finds also that the present system of acreage allotments will not continue to work because of increasing yields and declining use of burley tobacco. However, I must say it now appears that both of these conditions would be met. In fact, the Department estimates that an acreage cut of at least 25 percent would be required for the 1971 crop under the old program.

Second. (a) For each farm now having a burley allotment, the yield per acre—that is, the number of pounds marketed per acre of allotment—would be calculated for the 1970 crop just sold, and for the 1969, 1968, 1967, and 1966 crops. The four highest of these yields for the last 5 years would be averaged. In this way, if a farmer has had a poor



December 7, 1970

Approved For Release 2001/11/01 : CIA-RDP74B00415R000600020020-8

H11185

ANSWERED "PRESENT"—1

Morse

NOT VOTING—71

Abbitt	Farbstein	Pickle
Addabbo	Fulton, Tenn.	Poage
Alexander	Gilbert	Powell
Anderson,	Gray	Preyer, N.C.
Tenn.	Green, Oreg.	Purcell
Aspinall	Grover	Reifel
Beall, Md.	Halpern	Roe
Belcher	Hanna	Roudebush
Bell, Calif.	Heckler, Mass.	Rousset
Berry	Helstoski	Sandman
Biaggi	Kee	Stanton
Blanton	King	Stephens
Blatnik	Lennon	Stuckey
Bolling	Lukens	Sullivan
Brasco	McKneally	Symington
Button	MacGregor	Tieman
Collins, Tex.	Meskill	Tunney
Daddario	Mikva	Waggonner
de la Garza	Morton	Waldie
Dent	Mosher	Watts
Diggs	Moss	Welcker
Dowdy	Nichols	Wiggins
Dwyer	O'Konski	Wylder
Edwards, La.	Pettis	

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution as amended was agreed to. The Clerk announced the following pairs:

Mr. Addabbo with Mr. Stanton.  
Mrs. Sullivan with Mrs. Dwyer.  
Mr. Lennon with Mr. Beall of Maryland.  
Mr. Brasco with Mr. Grover.  
Mr. Aspinall with Mr. Button.  
Mr. Dent with Mr. Halpern.  
Mr. Fulton of Tennessee with Mr. Morton.  
Mr. Stephens with Mr. Belcher.  
Mr. Roe with Mr. McKneally.  
Mr. Pickle with Mr. MacGregor.  
Mr. Nichols with Mr. Collins of Texas.  
Mr. Moss with Mr. Bell of California.  
Mr. Waggonner with Mr. Berry.  
Mr. Tieman with Mrs. Heckler of Massachusetts.  
Mr. Helstoski with Mr. Roudebush.  
Mr. Biaggi with Mr. Wylder.  
Mr. Blatnik with Mr. Sandman.  
Mr. Edwards of Louisiana with Mr. Rousset.  
Mr. Gray with Mr. Mosher.  
Mr. Blanton with Mr. Meskill.  
Mr. Hanna with Mr. Wiggins.  
Mr. Stuckey with Mr. Reifel.  
Mr. Purcell with Mr. Welcker.  
Mr. Preyer of North Carolina with Mr. Lukens.  
Mr. Mikva with Mr. Dowdy.  
Mr. Kee with Mr. Watts.  
Mr. Waldie with Mr. Pettis.  
Mr. Alexander with Mr. O'Konski.  
Mr. Anderson of Tennessee with Mr. Tunney.  
Mr. Gilbert with Mr. King.  
Mr. Daddario with Mr. Diggs.  
Mrs. Green of Oregon with Mr. Symington.  
Mr. Abbitt with Mr. de la Garza.  
Mr. Farbstein with Mr. Powell.

Mr. WYATT changed his vote from "present" to "yea."

Mr. SCHEUER changed his vote from "yea" to "nay."

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the pending resolution.

The SPEAKER. Without objection, so ordered.

There was no objection.

SURVIVOR ANNUITIES UNDER CIVIL SERVICE

Mr. DULSKI. Mr. Speaker, I move to suspend the rules and pass the bill (S. 437) to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes, as amended.

The Clerk read as follows:

S. 437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332(f) of title 5, United States Code, is amended by inserting immediately after the first sentence thereof the following new sentence: "An employee or former employee who returns to duty after a period of separation is deemed, for the purpose of this subsection, to have been in a leave of absence without pay for that part of the period in which he was receiving benefits under subchapter I of chapter 81 of this title or any earlier statute on which such subchapter is based."

SEC. 2. (a) Section 8339(1) of title 5, United States Code, is amended by striking out "his spouse" and inserting in lieu thereof "any spouse surviving him".

(b) Section 8339(j) of title 5, United States Code, is amended—

(1) by inserting "(1)" immediately after "(j)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) An employee or Member, who is unmarried at the time of retiring under a provision of law which permits election of a reduced annuity with a survivor annuity payable to his spouse and who later marries, may irrevocably elect, in a signed writing received in the Commission within 1 year after he marries, a reduction in his current annuity as provided in subsection (1) of this section. His reduced annuity is effective the first day of the month after his election is received in the Commission. The election voids prospectively any election previously made under paragraph (1) of this subsection."

SEC. 3. (a) Section 8341(a) of title 5, United States Code, is amended—

(1) by inserting "and" at the end of paragraph (2) (B);

(2) by striking out paragraph (3); and

(3) by renumbering paragraph (4) as paragraph (3).

(b) Section 8341(b) of title 5, United States Code, is amended to read as follows:

"(b) (1) Except as provided in paragraph (2) of this subsection, if an employee or Member dies after having retired under this subchapter and is survived by a spouse to whom he was married at the time of retirement, or by a widow or widower whom he married after retirement, the spouse, widow, or widower is entitled to an annuity equal to 55 percent, or 50 percent if retired before October 11, 1962, of an annuity computed under section 8339(a)-(h) of this title as may apply with respect to the annuitant, or of such portion thereof as may have been designated for this purpose under section 8339(1) of this title, unless the employee or Member has notified the Commission in writing at the time of retirement that he does not desire any spouse surviving him to receive this annuity.

"(2) If an annuitant—

"(A) who retired before April 1, 1948; or

"(B) who elected a reduced annuity provided in paragraph (2) of section 8339(j) of this title;

dies and is survived by a widow or widower, the widow or widower is entitled to an an-

nuitant in an amount which would have been paid had the annuitant been married to the widow or widower at the time of retirement.

"(3) A spouse acquired after retirement is entitled to a survivor annuity under this subsection only upon electing this annuity instead of any other survivor benefit to which he may be entitled under this subchapter or another retirement system for Government employees. The annuity of the spouse, widow, or widower under this subsection commences on the day after the annuitant dies. This annuity and the right thereto terminate on the last day of the month before the spouse, widow, or widower—

"(A) dies; or

"(B) remarries before becoming 60 years of age."

(c) Section 8341(d) of title 5, United States Code, is amended to read as follows:

"(d) If an employee or Member dies after completing at least 18 months of civilian service, his widow or widower is entitled to an annuity equal to 55 percent of an annuity computed under section 8339(a)-(e) and (h) of this title as may apply with respect to the employee or Member, except that, in the computation of the annuity under such section, the annuity of the employee or Member shall be at least the smaller of—

"(1) 40 percent of his average pay; or

"(2) the sum obtained under such section after increasing his service of the type last performed by the period elapsing between the date of death and the date he would have become 60 years of age.

The annuity of the widow or widower commences on the day after the employee or Member dies. This annuity and the right thereto terminate on the last day of the month before the widow or widower—

"(A) dies; or

"(B) remarries before becoming 60 years of age."

(d) Section 8341(e)(2) of title 5, United States Code, is amended by striking out "subsection (a)(4)" and inserting in lieu thereof "subsection (a)(3)".

SEC. 4. Section 8344(a) of title 5, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: "If the annuitant is receiving a reduced annuity as provided in section 8339(1) or section 8339(j)(2) of this title, the increase in annuity payable under subparagraph (A) of this subsection is reduced by 10 percent and the survivor annuity payable under section 8341(b) of this title is increased by 55 percent of the increase in annuity payable under such subparagraph (A), unless, at the time of claiming the increase payable under such subparagraph (A), the annuitant notifies the Commission in writing that he does not desire the survivor annuity to be increased. If the annuitant dies while still reemployed, the survivor annuity payable is increased as though the reemployment had otherwise terminated. If the annuitant dies while still reemployed and the described reemployment had continued for at least 5 years, the person entitled to survivor annuity under section 8341(b) of this title may elect to deposit in the Fund and have his right redetermined under this subchapter."

SEC. 5. (a) The amendment made by the first section of this Act is effective only with respect to annuity accruing for full months beginning after the date of enactment of this Act; but any part of a period of separation referred to in such amendment in which the employee or former employee was receiving benefits under subchapter I of chapter 81 of title 5, United States Code, or any earlier statute on which such subchapter is based shall be counted whether the employee returns to duty before, on, or after such date of enactment. With respect to any person retired before such date of

enactment, any such part of a period of separation shall be counted only upon application of the former employee.

(b) The amendments made by section 2(a) and 3 of this Act shall not apply in the cases of employees, Members, or annuitants who died before the date of enactment of this Act. The rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

(c) The amendments made by section 2(b) of this Act shall apply to an annuitant who was unmarried at the time of retiring, but who later married, only if the election is made within 1 year after the date of enactment of this Act.

(d) The amendment made by section 4 of this Act shall apply only with respect to a reemployed annuitant whose employment terminates on or after the date of enactment of this Act.

Sec. 6. The Act of August 25, 1958 (72 Stat. 838; 5 U.S.C. 102, note), is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) Each former President shall be entitled for the remainder of his life to receive from the United States a monetary allowance at a rate per annum, payable monthly by the Secretary of the Treasury, which is equal to the annual rate of basic pay, as in effect from time to time, of the head of an executive department, as defined in section 101 of title 5, United States Code. However, such allowance shall not be paid for any period during which such former President holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate."

(2) Subsection (e) is amended to read as follows:

"(e) The widow of each former President shall be entitled to receive from the United States a monetary allowance at a rate of \$20,000 per annum, payable monthly by the Secretary of the Treasury, if such widow shall waive the right to each other annuity or pension to which she is entitled under any other Act of Congress. The monetary allowance of such widow—

"(1) commences on the day after the former President dies;

"(2) terminates on the last day of the month before such widow—

"(A) dies; or

"(B) remarries before becoming 60 years of age; and

"(3) is not payable for any period during which such widow holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate."

(3) Subsection (f) is amended to read as follows:

"(f) As used in this section, the term 'former President' means a person—

"(1) who shall have held the office of President of the United States of America;

"(2) whose service in such office shall have terminated other than by removal pursuant to section 4 of article II of the Constitution of the United States of America; and

"(3) who does not then currently hold such office."

The SPEAKER pro tempore (Mr. Boggs). Is a second demanded?

Mr. CORBETT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DULSKI. Mr. Speaker, I yield myself 2 minutes.

(Mr. DULSKI asked and was given permission to revise and extend his remarks.)

Mr. DULSKI. Mr. Speaker, I rise in support of S. 437, as amended.

The amendment strikes out all after the enacting clause and substitutes a new text. There is only one substantive difference between the amendment offered and the amendment reported by the committee.

This difference is in the provisions relating to the widows of former Presidents.

The amendment provides that the annual monetary allowance for a widow of a former President be increased from \$10,000 to \$20,000. The committee amendment provides for a monthly pension equal to 55 percent of the monetary allowance for a former President.

The amendment also requires that the widow of a former President waive the right of any annuity or pension to which she may be entitled from the United States in order to receive the monetary allowance. A similar provision is in existing law, but was not included in the committee amendment.

The main purpose of the bill is to correct several inequities in existing law. Presently a retiree who accepts a reduced annuity in order to provide a survivor benefit for his wife, cannot extend that survivor annuity to a subsequent spouse. He is also precluded from having his full annuity restored.

The legislation now before us will permit the post-retirement spouse of such a retiree to qualify for survivor benefits if the spouse was married to the retiree at least 2 years immediately before the retiree's death.

Other major elements of the bill are—

First. It will extend to widowers of deceased female employees the same treatment accorded widows of male employees.

Second. It will provide credit for periods of separation due to injuries incurred while performing official service.

Third. It will allow a retiree, unmarried at the time of retirement, to provide survivor benefits for a subsequently acquired spouse, upon election to accept a reduced annuity.

Fourth. The bill provides for an increase in the annual allowance for former Presidents from \$25,000 to an amount equal to the rate of pay for level I of the Executive schedule, the rate for Cabinet officers (presently \$60,000). The Cabinet officer rate was the basis for setting the \$25,000 allowance in 1958.

I would like to commend the gentleman from New Jersey (Mr. DANIELS) chairman of our Retirement Subcommittee, for the outstanding work he and his colleagues on the subcommittee performed in finalizing this legislation.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey, the chairman of the subcommittee (Mr. DANIELS).

(Mr. DANIELS of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. DANIELS of New Jersey. Mr. Speaker, I rise in support of S. 437, as amended, and for the purpose of explain-

ing the proposed amendments to the bill, most of which are of a technical and perfecting nature.

Mr. Speaker, more Americans are spending more years in retirement periods of uncertain length and indeterminate needs than ever before in history. The economic and social problems growing out of this development require devoting our attention to its impact upon that segment of our retiree population covered by the civil service retirement system.

The hearings conducted by the Subcommittee on Retirement, Insurance, and Health Benefits reveal the need for remedying the inequities these retirees face—particularly, those faced by their widows—and the policies which have perpetuated those inequities. It is the primary objective of this legislation to alleviate the economic uncertainties and difficulties they now face by providing annuity protection to the surviving spouses of certain of these retired Federal employees.

The amendment under consideration incorporates several related proposals: H.R. 3661, introduced by the chairman of the Committee on Post Office and Civil Service, Mr. DULSKI; H.R. 468, introduced and acclaimed over the years by the gentlewoman from Michigan, Mrs. GRIFFITHS; H.R. 434, sponsored by our colleague from Oklahoma, Mr. EDMONDSON; and H.R. 11120, authored by the gentleman from Virginia, JOEL BROVHILL. I commend the part that each of these colleagues have played in assisting the committee in bringing to the floor of the House a long-overdue measure of simple equity. I am gratified with the overwhelming support given it by the members of the Retirement Subcommittee and the full committee.

The existing provisions of the civil service retirement law provides that upon an employee's retirement he may accept, in lieu of the maximum benefit to which he is otherwise entitled, a reduced annuity and, thus, provide a survivor annuity to only that spouse to whom married on the date of retirement. Acceptance of the reduced benefit is irrevocable and the reduction in annuity continues, irrespective of whether the designated spouse predeceases the retiree or the marriage is terminated by divorce. The law does not extend the survivor protection thus provided to the spouse of a postretirement remarriage.

The major purpose of this legislation is to amend existing law so as to provide for the automatic substitution of a spouse acquired after retirement as an eligible survivor-annuitant. Such substitution is justified on the premise that the socio-economic need to provide survivor protection for a spouse acquired subsequent to retirement is no less than the need to protect a previous spouse.

Entitlement to the survivor benefit will automatically be vested in the widow or widower who survives the retiree, if such survivor has been married to the retiree for at least 2 years preceding the retiree's death, or if the survivor is the parent of a child born of the marriage. Thus, the eligibility requirement will be identical to the existing provision of law respect-

ing the surviving spouse of an employee who dies in active employment.

Neither does existing law permit a retiree who is, or was, unmarried at the time of retirement to subsequently elect a reduced annuity upon marriage and, thus, provide a survivor annuity for the spouse acquired after retirement.

The bill recognizes the relative equity of persons in this circumstance by permitting a retiree who is unmarried upon retirement to later elect a reduced annuity in order to provide a benefit for his spouse.

Although present law allows an unmarried retiring employee who is in good health to elect a reduced annuity in order to provide a survivor benefit to a person having an insurable interest, it does not provide him an opportunity to substitute a spouse acquired subsequent to retirement as the survivor-annuitant. Recognizing that such a retiree might likewise desire to protect a spouse acquired after retirement, in lieu of the person named at retirement, the bill allows such a substitution.

Generally, under present law, when an annuitant is reemployed he is considered covered by the retirement system, but no deductions are withheld from his salary. If he completes five or more years of continuous, full-time reemployment service, he may elect to have his annuity recomputed on the basis of his entire service, and elect survivor benefits based on the resulting increased annuity.

On the other hand, he, as well as an annuitant who completes between one and five years of continuous full-time reemployment service, is entitled upon separation to a supplemental annuity based only on the reemployment service. The supplemental annuity, however, does not increase the benefits potentially payable to any survivor. This has been a reasonably satisfactory arrangement for annuitants whose reemployment service is relatively brief, because the resulting supplemental annuities are not large enough to provide a significant increase in a spouse's potential benefit.

It is recognized, nonetheless, that there are instances of an annuitant working for an extended period and earning a supplemental annuity large enough to provide a meaningful increase in the spouse's potential survivor benefit. While not creating a survivor annuity not previously provided upon initial retirement, the bill provides a workable method of allowing use of supplemental annuities to increase benefits to potential survivors. The supplemental annuity would be reduced by 10 percent and the spouse would be entitled to an increased survivor benefit equal to 55 percent of the supplemental benefit. In addition, the bill provides for automatically increasing the survivor rate accordingly in the event the annuitant dies while still reemployed, and for allowing the eligible survivor-annuitant to exercise the option of recomputation where the annuitant dies while still in service after 5 years of reemployment.

Under present law, in order for the husband of a deceased female employee to qualify for a survivor benefit he must—in addition to meeting either the

2-year marriage or parentage requirement—be incapable of self-support by reason of physical or mental disability, and must have received more than one-half of his support from his wife. This provision reflects a difference in treatment which is based solely upon whether the employee is a man or a woman. However, the difference in survivorship protection accorded male and female employees in active service does not exist with respect to the protection available after retirement—there being no duration of marriage, parentage, incapacitation, or dependency requirements to be met on the part of either a widow or widower where the employee, at time of retirement, accepts a reduced annuity to provide a spouse's survivor benefit.

The committee takes cognizance of the fact that the female employee contributes the same percentage rate of deduction as does the male employee, but her nondependent widower has no survivorship entitlement; whereas, a male employee's widow is automatically awarded a survivor benefit, irrespective of the fact that she may be self-sustaining. The legislation corrects this inequitable situation by removing the dependency requirements applicable to surviving widowers of female employees, thus according them the same treatment accorded widows of deceased male employees.

Further, Mr. Speaker, the amended bill proposes to treat an employee who is separated from Federal service while in receipt of compensation benefits for a job-incurred injury or illness as though he had been carried in a leave-without-pay status during such periods for retirement eligibility and computation purposes.

Lastly, the amendment provides for updating the monetary allowances payable to former Presidents of the United States and to their widows. In enacting Public Law 85-745, approved August 25, 1958, the Congress provided a lifetime monetary allowance of \$25,000 per annum for any person who has served as President of the United States, and an annual benefit of \$10,000 for the widow of a former Chief Executive.

While the \$25,000 allowance to a former President was then equated with the salary of a Cabinet member, such allowance has not been updated during the 12 intervening years—whereas, Cabinet officers' salaries have been increased to a present figure of \$60,000. The widow's benefit, likewise, has remained unchanged.

The amendment increases the annual Presidential allowance to a rate comparable to the salary of a Cabinet member—currently \$60,000—and increases the widow's allowance from \$10,000 to \$20,000.

Mr. Speaker, both the subcommittee and the full committee were unanimous in reporting this legislation, and its provisions are fully endorsed by the administration. Therefore, I urge its unanimous adoption.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. DANIELS of New Jersey. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. I would like to com-

mend the gentleman in the well. The bill will correct what is probably one of the most inequitable practices of the pension system and one of the most inequitable things that has ever occurred in employee relationship in the House. It has been grossly unfair that from women the same amount has been collected that has been collected from men, and yet their husbands, their spouses, have not had the same rights. I commend the gentleman, and I assure the women judges, in spite of the fact that they are not included in this bill, that I have introduced a bill that will include their husbands, too. These things are quite unfair. I do thank the gentleman and the full committee for correcting this inequity.

Mr. DANIELS of New Jersey. I also wish to commend the gentlewomen from Michigan for her leadership in connection with this amendment.

Mr. CORBETT. Mr. Speaker, I rise in support of S. 437, which corrects longstanding inequities in the civil service retirement program.

Presently, a Federal employee upon retiring may elect to provide his wife a survivor benefit, for which he must take a reduced annuity of 2½ percent on the first \$3,600 and 10 percent on whatever is remaining of his annual annuity. However, in the event his wife predeceases him, he cannot substitute a subsequent spouse to receive survivor benefits, although his annuity continues to be reduced. The same is true of an unmarried retiree, who elects a reduced annuity in order to provide a survivor benefit to a person with an insurable interest. Namely, he cannot substitute a spouse as survivor annuitant in the event of marriage subsequent to retirement. Also, a retiree who was unmarried at the time of retirement may not subsequently elect a reduced annuity, and, thus provide a survivor annuity for a spouse acquired after retirement.

This bill ends the above named inequities in the following manner:

First. Provides for automatic substitution of a subsequently acquired spouse, effective when the remarriage has lasted 2 years or upon the birth of a child of such marriage.

Second. Permits a retiree who was unmarried at retirement to elect, within 1 year after remarriage, a reduced annuity in order to provide a survivor annuity to a spouse to whom married for at least 2 years or who is the parent of a child born of such marriage.

Third. Allows an unmarried retiree who provided for a person with an insurable interest, to change his election, within 1 year after marriage, to provide survivor benefits to a spouse whom he has been married to for at least 2 years or is a parent of a child born of the marriage.

Mr. Speaker, from a purely humane and social point of view, it is imperative that we act quickly to remedy this most unfair situation.

(Mr. CORBETT asked and was given permission to revise and extend his remarks.)

Mr. HOGAN. Mr. Speaker, will the gentleman yield?

December 7, 1970

Mr. CORBETT. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Speaker, I rise in support of S. 437, a bill designed to end the gross inequities existing under the survivor benefits provisions of the civil service retirement program.

Today, too many civil service annuitants who elected a reduced annuity, upon retirement, to provide a survivor benefit to their spouse, now find that even though their spouse has died they cannot redesignate a later spouse to receive survivor benefits. Nevertheless, their annuity will always continue to be reduced. This does not seem to be fair. In other words, it is the same as denying one the right to redesignate beneficiaries to one's will or insurance policies.

There are other inequities this bill eliminates, and they have been thoroughly explained by the able and distinguished chairman of our Subcommittee on Retirement, Insurance, and Health Benefits, Mr. DANIELS.

It is also worth noting that on November 24, 1970, the House passed H.R. 4183, a bill to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after retirement may qualify for survivor benefits, and sent it to the President for his signature.

Mr. Speaker, I do not wish to belabor a rather obvious point. That is, the passage of this legislation is important to many present and future annuitants, who through no fault of their own, are deprived of the honorable responsibility of providing survivor benefits for their spouse, even though they are paying for it.

I urge my colleagues to approve this legislation.

(Mr. HOGAN asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I assume that the amendment offered by the gentleman from New York is embodied in the 4 or 5 pages of typewritten copy which I hold in my hand?

Mr. DULSKI. That is correct.

Mr. GROSS. I will say to the gentleman that this amendment, in my opinion, vastly improves the bill. I still have some question about it, but reluctantly I will support the legislation with the amendment, and I commend the gentleman for offering it.

Mr. DULSKI. I thank the gentleman. Mr. Speaker, I have no more requests for time.

Mr. CORBETT. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT) whatever time he may consume.

Mr. SCOTT. Mr. Speaker, I appreciate the gentleman yielding and rise in support of the bill.

We did hold hearings on this measure and to the best of my knowledge, all the witnesses who appeared before our subcommittee supported the bill before

us. I offered an amendment, that the committee did not see fit to adopt, which would have required that the second spouse to be at least 50 years of age at the time the retiree qualified for an annuity. Nevertheless, I think this is a good bill. It has been long desired by both Government employees and retirees and I urge its passage by the House.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of that portion of S. 437 that relate to survivor annuities.

For many years I have urged the Congress to adopt legislation to liberalize the current civil service retirement law with respect to survivor annuities.

This bill would permit the retired Federal employee to designate a new spouse as survivor if he is predeceased by the person named as survivor at the time he retired. Moreover, this bill also provides for the reemployed annuitant that had previously been mandatorily retired because he is over the age of 70 years and is subsequently called back to Federal service at the interest of the Government. The effect of this later case is to permit him to accumulate additional service toward his eventual retirement annuity and to be able to pass on to his survivor the increased annuity he would gain by his further employment.

At retirement a civil service retiree is at the low ebb of his income. At this point it is very difficult for him to make the decision which could result in a substantial reduction in his annuity. He has a tendency at this point to gamble on whether he will outlive his spouse or not. If the retiree falls in that gamble and the surviving spouse outlives the annuitant the country or the community has the problem of providing for the surviving spouse. On the other hand, if the annuitant outlives the spouse, he must continue to live at a reduced annuity. For the annuitant, it is a sort of Russian roulette game. We must, if we can, remove this provision from the retirement law that requires him to gamble and give him a more equitable basis to plan for the protection of his survivor. I hope this will be done in the near future.

As my colleagues know my district encompasses one of the largest centers for retired Federal employees in our Nation. One of the most frequent requests I have from these fine people concerns that portion of this bill which would permit an annuitant to designate a second spouse as his survivor. In this case the Congress has to accept the fact of life that an annuitant may remarry and that he has a legal and a moral right to provide for this new spouse which might result from a subsequent marriage. This bill will correct this antiquated policy.

In the latter case, which I mentioned earlier, the law never contemplated the problem of additional benefits for a retired person being recalled to Federal service after the mandatory retirement age. Such cases exist and the omission to provide for such a situation should be corrected. Granted this situation is rare, but when such cases occur to recall a retiree in his senior years, it is because the Government needs his service and it is always a matter of the highest na-

tional interest to utilize a rare talent. The Government in this instance should have no qualms to permit the increased annuity benefit which such employees might earn.

Last, I have examined this bill and I find that adequate provisions have been taken to assure the actuarial soundness of these measures. For these reasons I urge the passage of the bill.

Mr. SCHMITZ. Mr. Speaker, I want to be on record in opposition to S. 437, which would more than double the present "monetary allowance" for ex-Presidents. In view of the sky-high and still rising cost of Government today, the heavy tax burden and the enormous deficit, I have made it an invariable rule never to vote for Government pay increases which exceed the rise in the cost of living. This applies to ex-Presidents just as to anyone else.

Mrs. MINK. Mr. Speaker, I rise in support of S. 437, legislation relating to survivor annuities under the civil service retirement program.

I would like to draw particular attention to the provision of this bill which will eliminate a discriminatory policy affording lesser recognition to the contributions of women to the retirement fund.

Under existing law a widower of a Federal employee does not receive survivor benefits based on his wife's earnings unless he was dependent on her for more than half his earnings and incapable of self-support. No such requirement is imposed on widows of Federal Government employees.

It is not generally realized, but in practice this requirement means that a woman must earn three times as much as her husband in order for him to be "dependent" on her. Further, her husband must be physically or mentally disabled to the extent that he could not support himself in any case. The obvious purpose of such requirements, imposed on the earnings of women but not on those of men, is to insure that a man's earnings receive paramount recognition while those of a woman are deemed meaningless and unimportant to the family.

At a time when nearly half of women of employable age are in fact working, either from choice or necessity, the basis on which this policy was founded has long been outdated. The policy remains as an obsolete reminder of bygone times when a woman's place was solely "in the home," but its continued existence is far more than a dusty anachronism. As a law in force it represents an enormous inequitable burden on women who in many cases are the principal breadwinners of their family. In any case, it is grossly unfair to give lesser meaning to the contribution of women to family security while at the same time extracting just as much in civil service retirement taxes from women's earnings as from those of men.

The bill removes the dependency requirements applicable to surviving widowers of female employees, thus according them the same treatment given widows of deceased male employees.

This long-needed improvement will help remove sex discrimination from the



December 7, 1970

## CONGRESSIONAL RECORD — HOUSE

H 11189

Federal Government retirement system. I have long supported this change to bestow equal rights on women under the system.

While in this light the change is designed to give equal rights to women, in actuality men stand the most to gain. It is the widower and indirectly other surviving members of the family who will benefit by having survivor funds resulting from the deceased wife's years of earnings.

This is a good example of how providing equal rights for women benefits all. Accordingly I highly recommend approval of this legislation by my colleagues.

Mr. PEPPER. Mr. Speaker, I rise to indicate my strong support for the changes in survivors annuities proposed in the amendments to S. 437. I have been concerned for a long time with the inequities which this legislation is designed to correct.

In my bills, H.R. 7496, H.R. 12202, and H.R. 12612, introduced in the early part of this 91st Congress, I sought to provide on a more equitable basis survivor annuities for the second wives of annuitants and for the surviving husbands of women who have established civil service rights comparable to those accorded to male employees of the Federal Government.

I am very pleased, therefore, that this legislation recognizes that justice to the men and women who have served their National Government requires that the retirement system be made responsive to their needs. It is a fact of life that many retiring employees have elected to accept reduced benefits in order to provide annuities for their widows and have then found themselves widowers whose remarriages did not provide benefits for their second wives. This legislation corrects this situation by providing that annuities can be paid to second wives and by providing that retired civil servants who marry after retirement can elect to provide annuities for their widows.

This legislation also eliminates the discrimination against female civil servants who previously could not provide annuities for their surviving husbands unless the widowers were financially dependent upon their wives. This dependency requirement is not applied to the spouses of male civil servants and equity demands that it not be applied to female employees of the Government.

I regret that this legislation does not provide, as I proposed in my bill, H.R. 6528, minimum benefits for civil service annuitants of \$200 per couple and \$100 per person. But it is important that the inequities dealt with in this legislation be eliminated. And I commend the Committee on the Post Office and Civil Service for its favorable report on this legislation. I hope that the other body will concur in the House amendments so that this legislation will become law before we adjourn the 91st Congress.

Mr. CORBETT. Mr. Speaker, we have no further requests for time.

Mr. DULSKI. Mr. Speaker, we have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman

from New York (Mr. DULSKI) that the House suspend the rules and pass the bill S. 437, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE TO EXTEND

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill (S. 437) just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## RIVERS AND HARBORS AND FLOOD CONTROL ACT OF 1970

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19877) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, as amended.

The Clerk read as follows:

H.R. 19877

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## TITLE I—RIVERS AND HARBORS

Sec. 101. The following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated. The provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public Law Numbered 14, Seventy-ninth Congress), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full.

## NAVIGATION

Pleasant Bay, Massachusetts: House Document Numbered —, at an estimated cost of \$10,221,000;

Baltimore Harbor, Maryland and Virginia: House Document Numbered —, except that that not to exceed \$40,000,000 is authorized for initiation and partial accomplishment of such project;

Atlantic Intracoastal Waterway Bridges, Virginia and North Carolina: House Document Numbered —, at an estimated cost of \$11,220,000;

Manteo (Shallowbag) Bay, North Carolina: House Document Numbered 91-303, at an estimated cost of \$10,769,000;

Port Sutton, Tampa Harbor, Florida: House Document Numbered 91-150 Maintenance;

Tampa Harbor, Florida: House Document Numbered 91-401, except that that not to exceed \$40,000,000 is authorized for initiation and partial accomplishment of such project; after the date of enactment of this Act the Secretary of the Army, acting through the Chief of Engineers, shall maintain the Port Sutton Terminal Channel and the East Bay Channel and Turning Basin.

Freeport Harbor, Texas: House Document

Numbered —, at an estimated cost of \$13,710,000;

Quachita and Black Rivers, Arkansas and Louisiana: House Document Numbered —, at an estimated cost of \$13,500,000;

Missouri River, North Dakota, South Dakota, and Nebraska: House Document Numbered —, at an estimated cost of \$35,981,000;

Cocos Bay, Oregon: House Document Numbered 91-151, at an estimated cost of \$9,100,000.

## BEACH EROSION

Lido Key, Florida: House Document Numbered 91-320, at an estimated cost of \$240,000; the Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse or credit local interests for work performed by them subsequent to July 1, 1968, and in accordance with the recommended plan of improvement.

SEC. 102. The Secretary of the Army acting through the Chief of Engineers, is authorized and directed to make a survey subject to all applicable provisions of section 110 of the Rivers and Harbors Act of 1950 of the feasibility of constructing and maintaining a navigation channel having a depth of seventeen feet at mean low water and a width of one hundred feet, extending a distance of approximately two and one-half miles from deep water in Saint Georges Creek, Maryland, to the Harry Lundberg School of Seamanship at Piney Point, Maryland, and terminating in a turning basin at that bottom.

SEC. 103. The costs of operation and maintenance of the general navigation features of small boat harbor projects authorized between January 1, 1970, and December 31, 1970, under the authority of this Act, section 201 of the Flood Control Act of 1965, or section 107 of the River and Harbor Act of 1960, shall be borne by the United States.

SEC. 104. The proviso in section 6 of the Act of July 3, 1930, as amended (48 Stat. 948; 33 U.S.C. 569a), is amended to read as follows: "Provided, That individuals so engaged may be paid at rates not to exceed the daily equivalent of the rate of GS-18 for each day of their services."

SEC. 105. The civilian members of the Board on Coastal Engineering Research authorized by the Act of November 7, 1963 (33 U.S.C. 426-2) may be paid at rates not to exceed the daily equivalent of the rate for GS-18 for each day of attendance at Board meetings, not to exceed thirty days per year, in addition to the traveling and other necessary expenses connected with their duties on the Board in accordance with the provisions of 5 U.S.C. 5703 (b), (d), and 5707.

SEC. 106. The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Harbors and rivers in American Samoa and the territory of Guam, in the interests of navigation, flood control, and related water resources purposes.

Kanawha and James Rivers, with a view to determining the availability of providing a waterway connecting the Kanawha River, West Virginia, and James River, Virginia, by canals and appurtenant facilities.

Ventura Marina to Ventura Keys, Ventura County California.

Elk River, Maryland.

Stillpond Creek, Kent County, Maryland.

Patapsco River, Brooklyn, Maryland

Shooters Island, New York, possible removal and utilization for fill and widening of Arthur Kill.

SEC. 107. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to conduct a survey of the Great Lakes and Saint Lawrence Seaway to determine the feasibility of means of extending the navigation season in accordance with the

H11190

## CONGRESSIONAL RECORD — HOUSE

December 7, 1970

recommendations of the Chief of Engineers in his report entitled "Great Lakes and Saint Lawrence Seaway—Navigation Season Extension."

(b) The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Departments of Transportation, Interior, and Commerce, including specifically the Coast Guard, the Saint Lawrence Seaway Development Corporation, and the Maritime Administration; the Environmental Protection Agency; other interested Federal agencies, and non-Federal public and private interests, is authorized and directed to undertake a program to demonstrate the practicability of extending the navigation season on the Great Lakes and Saint Lawrence Seaway. Such program shall include, but not be limited to, ship voyages extending beyond the normal navigation season; observation and surveillance of ice conditions and ice forces; environmental and ecological investigations; collection of technical data related to improved vessel design; ice control facilities, and aids to navigation; physical model studies; and coordination of the collection and dissemination of information to shippers on weather and ice conditions. The Secretary of the Army, acting through the Chief of Engineers, shall submit a report describing the results of the program to the Congress not later than July 30, 1974. There is authorized to be appropriated to the Secretary of the Army not to exceed \$6,500,000 to carry out this subsection.

(c) The Secretary of Commerce, acting through the Maritime Administration, in consultation with other interested Federal agencies, representatives of the merchant marine, insurance companies, industry, and other interested organizations, shall conduct a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and the Saint Lawrence Seaway beyond the present navigation season, and shall submit a report, together with any legislative recommendations, to Congress by June 30, 1971.

Sec. 108. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, study, and undertake measures in the interests of water quality, environmental quality, recreation, fish and wildlife, and flood control, for the Cuyahoga River Basin, Ohio. Such measures shall include, but not be limited to, clearing, snagging, and removal of debris from the river's bed and banks; dredging and structural works to improve streamflow and water quality; and bank stabilization by vegetation and other means. In carrying out such studies and investigations the Secretary of the Army, acting through the Chief of Engineers, shall cooperate with interested Federal and State agencies.

(b) Prior to initiation of measures authorized by this section, such non-Federal public interests as the Secretary of the Army, acting through the Chief of Engineers, may require shall agree to such conditions of cooperation as the Secretary of the Army, acting through the Chief of Engineers, determines appropriate, except that such conditions shall be similar to those required for similar project purposes in other Federal water resources projects.

Sec. 109. (f) Section 110 of the River and Harbor Act of 1958 (72 Stat. 297) is amended to read as follows:

"(f) There is hereby authorized to be appropriated the sum of \$2,000,000 to carry out the provisions of this section and, upon completion of transfer to the State of Illinois of all right, title, and interest of the United States in and to the canal, an additional sum of \$6,528,000 to be expended for the repair, modification, and maintenance of bridges, title transfer, modification or rehabilitation of hydraulic structures, fencing, clearing auxiliary ditches, and for

the repair and modification of other canal property appurtenances, notwithstanding subsection (b) of this section."

Sec. 110. The project for the Trinity River and tributaries, Texas, authorized in section 301 of the River and Harbor Act of 1965 (79 Stat. 1073) is hereby modified to provide that not to exceed \$75,000 of the costs incurred in 1968 and 1969 by the Trinity River Authority of Texas for aerial photography and mosaic preparation furnished to and accepted by the Secretary of the Army, acting through the Chief of Engineers, shall be credited as a part of the local contribution required of such authority for such project.

Sec. 111. (a) In any case where the Administrator of the Environmental Protection Agency determines that dredged spoil from an area within an authorized Federal navigation project is significantly polluted and the Secretary of the Army thereafter determines that dredged spoil disposal facilities are available for the disposition of such spoil, then open water disposal of such dredged spoil shall be discontinued. The Administrator of the Environmental Protection Agency and the Secretary of the Army shall not make any determination under this section except after consultation with the Governors of all affected States.

(b) The Secretary of the Army, acting through the Chief of Engineers, shall undertake to establish the contained spoil disposal facilities authorized in subsection (c) at the earliest practicable date, taking into consideration the views and recommendations of the Administrator of the Environmental Protection Agency as to those areas which, in the Administrator's judgment, are most urgently in need of such facilities.

(c) The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct, operate, and maintain, subject to the provisions of subsection (d), contained spoil disposal facilities of sufficient capacity to meet the requirements of this section for a period not to exceed ten years. Before establishing each such facility, the Secretary of the Army shall obtain the concurrence of appropriate local governments and shall consider the views and recommendations of the Administrator of the Environmental Protection Agency and other appropriate heads of Federal agencies with respect to the effect of the proposed facility on the quality of the water and land resources involved, and on the environment. Section 9 of the River and Harbor Act of 1899 shall not apply to any facility authorized by this section.

(d) Prior to construction of any such facility, the appropriate non-Federal interest or interests shall agree in writing to (1) furnish all lands, easements, and rights-of-way necessary for the construction, operation, and maintenance of the facility; (2) contribute to the United States 25 per centum of the construction costs, such amount to be payable either in cash prior to construction, in installments during construction, or in installments, with interest at a rate to be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue; (3) hold and save the United States free from damages due to construction, operation, and maintenance of the facility; and (4) except as provided in subsection (g), maintain the facility after completion of its use for disposal purposes in a manner satisfactory to the Secretary of the Army.

(e) The requirement for appropriate non-Federal interest or interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (d) shall be waived by the Secretary

of the Army upon a finding by the Administrator of the Environmental Protection Agency that the State of States involved, interstate agency, municipality, or other appropriate political subdivision of the State or industrial concern is participating in an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and is making progress satisfactory to the Administrator.

(f) Notwithstanding any other provision of law, all costs of disposal or dredged spoil from the project for the Great Lakes connecting channels, Michigan, shall be borne by the United States.

(g) The participating non-Federal interest or interests shall retain title to all lands, easements, and rights-of-way furnished by it pursuant to subsection (d). A spoil disposal facility owned by a non-Federal interest or interests may be conveyed to another party only after completion of the facility's use for disposal purposes and after the transferee agrees in writing to use or maintain the facility in a manner which the Secretary of the Army determines to be satisfactory.

(h) Any spoil disposal facilities constructed under the provisions of this section shall be made available to Federal licensees or permittees upon payment of an appropriate charge for such use. Twenty-five per centum of such charge shall be remitted to the participating non-Federal interest or interests except for those excused from contributing to the construction costs under subsections (e) and (f).

(i) This section, other than subsection (j), shall be applicable only to the Great Lakes and their connecting channels.

(j) The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to extend to all navigable waters, connecting channels, tributary waters, connecting channels, tributary streams, other waters of the United States and water contiguous to the United States, a comprehensive program of research, study and experimentation relating to dredged spoil. This program shall be carried out in cooperation with other Federal and State agencies, and shall include, but not be limited to, investigations on the characteristics of dredged spoil, alternative methods of its disposal, and its effects on receiving waters.

Sec. 112. In all cases where real property shall be taken by the United States for the public use in connection with any improvement of rivers, harbors, canals, or waterways of the United States, and in all condemnation proceedings by the United States to acquire lands or easements for such improvements, the compensation to be paid for real property taken by the United States above the normal high water mark of navigable waters of the United States shall be the fair market value of such real property based upon all uses to which such real property may reasonably be put, including its highest and best use, any of which uses may be dependent upon access to or utilization of such navigable waters. In cases of partial takings of real property, no depreciation in the value of any remaining real property shall be recognized and no compensation shall be paid for any damages to such remaining real property which result from loss of or reduction of access from such remaining real property to such navigable waters because of the taking of real property or the purposes for which such real property is taken. The compensation defined herein shall apply to all acquisitions of real property after the date of enactment of this Act, and to the determination of just compensation in any condemnation suit pending on the date of enactment hereof.

Sec. 113. (a) Subsection (a) of section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended by striking out

DD/2  
0/411  
ole

92D CONGRESS  
1ST SESSION

# H. R. 3627

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1971

Mrs. GRIFFITHS introduced the following bill; which was referred to the Committee on Foreign Affairs

## A BILL

To provide equality of treatment for married women employees of the Federal Government under the Foreign Service Act of 1946.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That (a) section 804 (a) of the Foreign Service Act of  
4       1946 (22 U.S.C. 1064 (a)) is amended by striking out  
5       “dependent widowers” and inserting in lieu thereof  
6       “widowers”.

7       (b) Section 804 (b) of the Foreign Service Act of  
8       1946 (22 U.S.C. 1064 (b)) is amended—

9               (1) by striking out “Dependent widower” and  
10       inserting in lieu thereof “Widower”; and

1           (2) by striking out “, and who is incapable of self-  
2       support by reason of mental or physical disability, and  
3       who received more than one-half of his support from  
4       such participant”.

5       SEC. 2. Section 821 (b) of the Foreign Service Act of  
6       1946 (22 U.S.C. 1076 (b) ) is amended to read as follows:

7       “(b) At the time of retirement, the annuity of a mar-  
8       ried participant computed as prescribed in paragraph (a) of  
9       this section shall be reduced by \$300 to provide for the  
10      surviving spouse a minimum annuity of \$2,400, except that,  
11      if the annuity of the participant is more than \$4,800, the  
12      participant may elect up to 50 per centum of such annuity  
13      for the surviving spouse, and if such election is made, the  
14      annuity of the participant shall be further reduced by 10 per  
15      centum of the difference between \$4,800 and the base the  
16      participant specifies for the survivor benefit.”

17      SEC. 3. Section 832 (b) of the Foreign Service Act of  
18      1946 (22 U.S.C. 1082 (b) ) is amended to read as follows:

19      “(b) If a participant who has at least eighteen months  
20      of service credit toward retirement under the System, ex-  
21      cluding military or naval service that is credited in accord-  
22      ance with the provisions of section 851 or 852 (a) (2) , dies  
23      before separation or retirement from the Service and is sur-  
24      vived by a widow or a widower, such widow or widower  
25      shall be entitled to an annuity equal to 50 per centum of



1 the annuity computed in accordance with the provisions of  
2 paragraph (e) of this section and of section 821 (a) ; and  
3 if the participant had less than three years creditable civilian  
4 service at the time of death, the survivor annuity shall be  
5 computed on the basis of the average salary for the entire  
6 period of such service. The annuity of such widow or widower  
7 shall commence on the date following death of the partici-  
8 pant and shall terminate upon death of the widow or wid-  
9 ower, except that the annuity of any widow of widower  
10 shall not be less than \$2,400."

Approved For Release 2001/11/01 : CIA-RDP74B00415R000600020020-8

92<sup>d</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 3627**

---

---

**A BILL**

To provide equality of treatment for married  
women employees of the Federal Govern-  
ment under the Foreign Service Act of 1946.

---

---

By Mrs. GRIFFITHS

---

---

FEBRUARY 4, 1971

Referred to the Committee on Foreign Affairs

Approved For Release 2001/11/01 : CIA-RDP74B00415R000600020020-8